

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

MELVIN CLARK,

v.
Petitioner,

GENA JONES,

Respondent.

No. LA CV 23-00771-VBF-SP

ORDER

Dismissing Case for Lack of Prosecution,
Failure to Comply with Court Order, and
Failure to Pay Case Filing Fee

On January 30, 2022, proceeding pro se, California state prisoner Melvin Clark (“petitioner”) filed a petition for writ of habeas corpus pursuant to 28 U.S.C. section 2254, which was docketed on February 2, 2023. *See* CM/ECF System Document (“Doc”) 1. That same day, February 2, 2023, the Clerk’s Office issued a CV-111 Notice Re: Discrepancies in Filing of Habeas Corpus Petition (Doc 4), noting that petitioner had neither paid the filing fee nor filed a request to proceed in forma pauperis and waive the filing fee.

The CV-111 Notice directed petitioner to either pay the filing fee or submit a CV-60P Request to Proceed Without Prepayment within thirty days. Not counting the day that petitioner received the Notice, *see* Fed. R. Civ. P. 6, that thirty-day period elapsed at midnight on March 5, 2023. The Notice clearly warned petitioner, “If you do not respond within thirty days from the date below, your action may be dismissed.” Doc 4 at 1. To date, petitioner has neither paid the case filing fee nor filed a request to waive the case filing fee.

1 Nor has petitioner moved for an extension of time or made any other filings with the Court.

2 **Accordingly, this case is DISMISSED without prejudice for lack of prosecution,**
3 **failure to comply with court order, and failure to pay the case filing fee or seek waiver**
4 **of the fee.**

5 The case is TERMINATED (JS-6) and CLOSED.

6 IT IS SO ORDERED.

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8 Dated: March 27, 2023

Valerie Baker Fairbank

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10 Honorable Valerie Baker Fairbank
11 Senior United States District Judge
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